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Crl O.P.No.9535 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.04.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.9535 of 2025

Salik Hussain

Petitioner/A1

Vs

The State Rep by,
The Sub-Inspector of Police,
Gingee Police Station.
(Crime No.130 of 2025)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner/Accused on
anticipatory bail in the event of arrest in Crime No. 130 of 2025 pending
on the file of the respondent police.

For petitioner	:	M/s. Nathan and Associates
For Respondent	:	Mr.S.Balaji Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 296(b) and
351(2) of the BNS Act r/w Section 67 of the IT Act in Crime No.130 of



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2025, on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that on account of previous enmity, the petitioner had posted defamatory messages about the de facto complainant and his family in social media and threatened him.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case; that the petitioner has no bad antecedents and in any case, custodial interrogation of the petitioner is not required and sought anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that the petitioner had removed the comment from the social media and the petitioner has no bad antecedents.

5. Considering the nature of the allegations, the fact that the comment was removed from the social media, the petitioner has no bad



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antecedents and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate Court, Gingee, Villupuram** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10:30 a.m, until further orders.



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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To:

1. The Sub-Inspector of Police,
Gingee Police Station.
2. The Judicial Magistrate Court,
Gingee, Villupuram
3. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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